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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,068	12/23/1999	OSAMU HORI	0039-7484.2S	8278
22850	7590	09/23/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ZIA, SYED	
		ART UNIT	PAPER NUMBER	
		2131		

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/472,068	HORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 30 July 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 30, 2004 has been entered.

### ***Response to Amendment***

This is in response to amendment filed on July 30, 2004. Original application contained Claims 1-21. Applicant amended Claims 1, 3, and 17. Applicant previously added new Claims 22-25. Amendment filed on July 30, 2004 have been entered and made of record. Therefore, pending Claims 1-25 are presented for further consideration and examination.

### ***Response to Arguments***

Applicant's arguments filed July 30, 2004 have been fully considered but they are not persuasive because of the following reasons:

Applicants argued that as recited in the currently amended Claims 1, and 19 the cited prior art (CPA) [Menard et al. U. S. Patent 6,061,056] do not teach, “*that a program database is formed by dividing multimedia information into plural partial information to be stored with the plural partial information*”, CPA also do not store and suggest “*plural partial information with added program feature data, and plural partial information that accords with user profile from a program database ...*”, and CPA also do not teach or suggest a search engine configured to search for predetermined program feature data from a database and select partial ...”.

This is not found persuasive. CPA teaches and describes automatic broadcast monitoring system that compares monitored broadcast signals with stored data representing program content of interest to user, and records segment of program when stored data matches program data, i.e. searching and comparing program data with stored data base don user interest (profile).

The system for monitoring standard broadcast signals receives broadcast signals, and includes a user selection unit for inputting criteria identifying program content of interest to the user. A database stores data representing the program content criteria, and a recognition device generates a program data stream representing the program content from the broadcast signals.

A comparator compares the program data with the stored data, and an output device carries out predetermined action, e.g. recording a segment of the program, when the program data matches the stored data. The system can be configured to activate a window on a multimedia PC when pre-selected program material is present in the broadcast signals.

Thus, the system detects the content of broadcast signals of particular interest to individual viewers, e.g. monitoring world events for stock brokerage services, government organizations etc. and, the users can automatically be alerted as events occur. Therefore, the system enables

automatic detection of content on TV broadcast using computers, synchronizing and capturing incoming closed captioned text together with video and audio, and indexing and retrieval of individual sections of video and audio, based on content of e.g. closed caption text.

Therefore, the system of CPA teaches and describes a receiver device for automatically recording programs of user's interest using the information of an electronic program list send from broadcasting station.

Applicants clearly still have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

Therefore, the examiner asserts that CPA does teach or suggest the subject matter recited in independent Claims 1, 3, 17, and dependent Claims 2, 4-16, and 18-25. Accordingly, rejections for Claims 1-25 are respectfully maintained.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al. U. S. Patent (6,061,056).

3. Regarding claims 1, and 3 Menard teaches and describes a system and method for monitoring broadcast signals, comprising means for receiving the broadcast signals and generating program signal streams to make available programs carried by said broadcast signals; user-operable selection means for inputting criteria identifying program content of interest to a user; a database for storing data representing said criteria; recognition means for generating from said broadcast signals, for each program stream, a program data stream separate from said program streams, said program data stream being representative of program content and changing dynamically therewith; means for synchronizing said program data stream to said program signal streams; a comparator for comparing said program data stream with said stored data; means for storing, when said program data stream matches said stored data, a program segment and the program data stream associated therewith while maintaining synchronism between the program data stream and the program segment; and display means permitting the user to examine a portion of a stored program segment by selecting a portion of the dynamic program data stream corresponding thereto (Fig. 1, and 2). Comprising:

- forming a program database by dividing multimedia information into items of partial information formed of frame or frames and respectively adding program feature data to the plural

partial information to thereby respectively store the partial information with the added program feature data in the program database; searching for the partial information which accords with user profile data from the program database based on matching between the user profile data and the program feature data; and reading out the searched partial information from the database and providing the searched partial information to a user, (col. 1 line 66 to col. 2 line 19, and col. 9 line 1 to line 20);

- a first database configured to store multimedia information; an analyze section configured to analyze said multimedia information stored in said first database in units of partial information of the multimedia information using at least one analysis method of moving image analysis, acoustic/speech analysis, and text analysis (col. 3 line 15 to line 49);

- a second database configured to divide the multimedia information into plural partial information formed on frame or frames based on a result of the analysis by the analyze section and to add program feature data which is obtained from a result of analysis made by the analyze section in units of the partial information or program feature data which is externally inputted in units of the partial information to thereby store the partial information with the added program feature data; and a search engine configured to search for program feature data from said second database in accordance with user profile data to find program feature data which accords with the user profile, and read the partial information from said first database in accordance with the found searched program feature data (col. 3 line 27 to line 65, and col. 6 line 4 to line 14).

4. Regarding Claim 17 Menard teaches and describes an information reception apparatus connected to an information providing server having an analyze section configured to analyze

multimedia information using at least one analysis method of moving image analysis, acoustic/speech analysis, and text analysis, a database which divides multimedia information into partial information formed of a frame or frames based on a result of analysis by analyze section, each partial information including representative images of a respective multimedia information, and stores the partial information and program features which is the result of analysis by the analyze section:(Fig-1-2), comprising:

a search engine configured to search for predetermined program feature data from said second database, and add the partial information from said database in accordance with searched program feature data (col. 3 line 27 to line 65, col. 6 line 4 to line 14);

5. Claims 5-8, 11, 14, 19, and 22-24 are rejected applied as above rejecting claims 1, 3 and 17. Furthermore, Menard teaches and describes a system and method for monitoring and selecting from a number of multimedia information, wherein:

- said user profile data includes information associated with the user's taste (col. 5 line 39 to line 40, and col. 5 line 64 to col. 6 line 3);

- a keyboard configured to input said program feature data to said second database (col. 7 line 65 to line 67);

- a third database configured to store said user profile data (col. 1 line 66 to line 5);

- a fourth database configured to store commercial message information and a fifth database configured to store commercial feature data, wherein said search engine searches for the commercial feature data from said fifth database in accordance with the user profile data, and

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searches for the commercial message information corresponding to a searched commercial feature data from said fourth database (col. 5 line 41 to col. 6 line 27);

- a history recording section configured to record a viewing history data of a user (col. 5 line 55 to line 63).

- a display section configured to display the partial information selected by said search engine (col. 7 line 39 to line 51);

- storing the user profile data, and updating the user profile data based on a result of a search by adding an item of information corresponding to the searched partial information to the user profile data (col. 5 line 23 to line 30, and col. 9 line 54 to col. 10 line 16).

- each plural partial information includes representative images of respective multimedia information (col. 9 line 21 to line 29).

6. Claims 2, 4, 9-10, 12-13, and 15-16, 18, 20-21, and 25 are rejected applied as above rejecting claims 5, 8 11, 19, and 22-24. Furthermore, Menard teaches and describes a system, and method where users can automatically be alerted as events occur. Enables automatic detection of content on TV broadcast using computers, synchronizing and capturing incoming closed-captioned text together with video and audio, and indexing and retrieval of individual sections of video and audio, based on content, wherein:

- adding commercial feature data to commercial information to form a commercial database; and providing, to the user, commercial information which accords with the user profile data based on matching between the user profile data and the commercial feature data when providing said searched partial information to the user (col. 3 line 10 to line 15);

- a link section configured to obtain a representative image of said partial information, and construct a display image including said representative image and searched program feature data (col. 2 line 47 to line 65);

- the user profile data include information representing one of a producer, title, character, and genre of the multimedia information; and said search engine searches for program feature data from said second database, and data which matches a thesaurus of the program feature data (col. 6 line 28 to line 165);

- said viewing history data represents a user, start and end time of watch, and program feature data of information watched by the user (col. 5 line 51 to line 55);

- a third database configured to store said user profile data; and a rewrite section configured to rewrite the user profile data stored in said third database in accordance with said viewing history data (Fig.3, and col. 6 line 57 to line 65);

- a display section configured to display the partial information selected by said search engine and display the commercial message information selected by said search engine as a banner; and a display section configured to display the partial information selected by said search engine and display the commercial message information selected by said search engine as a sub window (col. 4 line 63 to col. 5 line 22);

- said group of information items including data indicating personal profile of the user; and said group of information items including data indicating taste of the user (col. 5 line 23 to line 30);

- each plural partial information includes representative images of respective multimedia information (col. 9 line 21 to line 29).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SZ  
September 16, 2004